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6 Attorneys for Plaintiff and Counterdefendant
7 ZINUS, INC.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 ZINUS, INC., a California corporation,

11 Plaintiff,
12 v.

13 SIMMONS BEDDING COMPANY, a
14 Delaware corporation, and DREAMWELL,
15 LTD., a limited liability company of
Nevada,

16 Defendants.

17 DREAMWELL, LTD., a limited liability
18 company of Nevada,

19 Counterclaimant,
v.

20 ZINUS, INC., a California corporation,

21 Counterdefendant.

Case No. 07-CV-03012 PVT

**PLAINTIFF ZINUS, INC.'S NOTICE
OF MOTION FOR SUMMARY
ADJUDICATION OF NON-
INFRINGEMENT**

Date: December 11, 2007
Time: 10:00 a.m.
Location: Courtroom 5
Judge: Hon. Patricia V. Trumbull

24 **NOTICE OF MOTION**

25 PLEASE TAKE NOTICE that Plaintiff and Counterdefendant Zinus, Inc.'s Motion
26 for Summary Adjudication that the method of packing of Zinus' Mattress-in-a-Box "Swirl
27 Wrap" product does not infringe any claim of U.S. Patent Number Re. 36,142 will be
28 brought for hearing before the Honorable Patricia V. Trumbull in Courtroom 5 of the United

1 States District Court for the Northern District of California, San Jose Division, 280 South
2 First Street, San Jose, California at 10:00 a.m. on Tuesday, December 11, 2007. Zinus'
3 motion is based on this Notice, any argument submitted at the hearing, all pleadings, files and
4 records in this action, and on the [Proposed] Order Granting Zinus' Motion for Summary
5 Adjudication of Non-Infringement and the Motion and supporting Memorandum of Points
6 and Authorities and declarations filed on October 2, 2007, in this action.

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8 Dated: November 5, 2007

By: _____/s/_____

9 Darien K. Wallace
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11 Attorneys for Plaintiff and Counterdefendant
12 Zinus, Inc.

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